



Rep. Keith P. Sommer

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09300HB4402ham001

LRB093 15620 RAS 48835 a

1 AMENDMENT TO HOUSE BILL 4402

2 AMENDMENT NO. _____. Amend House Bill 4402 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. the Wildlife Code is amended by changing
5 Section 2.26 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

7 Sec. 2.26. Deer hunting permits. In this Section, "bona
8 fide equity shareholder" means an individual who (1) purchased,
9 for market price, publicly sold stock shares in a corporation,
10 purchased shares of a privately-held corporation for a value
11 equal to the percentage of the appraised value of the corporate
12 assets represented by the ownership in the corporation, or is a
13 member of a closely-held family-owned corporation and has
14 purchased or been gifted with shares of stock in the
15 corporation accurately reflecting his or her percentage of
16 ownership and (2) intends to retain the ownership of the shares
17 of stock for at least 5 years.

18 In this Section, "bona fide equity member" means an
19 individual who (1) (i) became a member upon the formation of
20 the limited liability company or (ii) has purchased a
21 distributional interest in a limited liability company for a
22 value equal to the percentage of the appraised value of the LLC
23 assets represented by the distributional interest in the LLC
24 and subsequently becomes a member of the company pursuant to

1 Article 30 of the Limited Liability Company Act and who (2)
2 intends to retain the membership for at least 5 years.

3 In this Section, "bona fide equity partner" means an
4 individual who (1) (i) became a partner, either general or
5 limited, upon the formation of a partnership or limited
6 partnership, or (ii) has purchased, acquired, or been gifted a
7 partnership interest accurately representing his or her
8 percentage distributional interest in the profits, losses, and
9 assets of a partnership or limited partnership, (2) intends to
10 retain ownership of the partnership interest for at least 5
11 years, and (3) is a resident of Illinois.

12 Any person attempting to take deer shall first obtain a
13 "Deer Hunting Permit" in accordance with prescribed
14 regulations set forth in an Administrative Rule. Deer Hunting
15 Permits shall be issued by the Department. The fee for a Deer
16 Hunting Permit to take deer with either bow and arrow or gun
17 shall not exceed \$15.00 for residents of the State. The
18 Department may by administrative rule provide for non-resident
19 deer hunting permits for which the fee will not exceed \$200
20 except as provided below for non-resident landowners and
21 non-resident archery hunters. The Department may by
22 administrative rule provide for a non-resident archery deer
23 permit consisting of not more than 2 harvest tags at a total
24 cost not to exceed \$225. Permits shall be issued without charge
25 to:

26 (a) Illinois landowners residing in Illinois who own at
27 least 40 acres of Illinois land and wish to hunt their land
28 only,

29 (b) resident tenants of at least 40 acres of commercial
30 agricultural land where they will hunt, and

31 (c) Bona fide equity shareholders of a corporation ~~, or~~
32 bona fide equity members of a limited liability company, or
33 bona fide equity partners of a general or limited
34 partnership which owns at least 40 acres of land in a

1 county in Illinois who wish to hunt on the corporation's,
2 ~~or~~ company's, or partnership's land only. One permit shall
3 be issued without charge to one bona fide equity
4 shareholder, ~~or~~ one bona fide equity member, or one bona
5 fide equity partner for each 40 acres of land owned by the
6 corporation, ~~or~~ company, or partnership in a county;
7 however, the number of permits issued without charge to
8 bona fide equity shareholders of any corporation or bona
9 fide equity members of a limited liability company in any
10 county shall not exceed 15, and shall not exceed 3 in the
11 case of bona fide equity partners of a partnership.

12 Bona fide landowners or tenants who do not wish to hunt
13 only on the land they own, rent or lease or bona fide equity
14 shareholders, ~~or~~ bona fide equity members, or bona fide equity
15 partners who do not wish to hunt only on the land owned by the
16 corporation, ~~or~~ limited liability company, or partnership
17 shall be charged the same fee as the applicant who is not a
18 landowner, tenant, bona fide equity shareholder, ~~or~~ bona fide
19 equity member, or bona fide equity partner. Nonresidents of
20 Illinois who own at least 40 acres of land and wish to hunt on
21 their land only shall be charged a fee set by administrative
22 rule. The method for obtaining these permits shall be
23 prescribed by administrative rule.

24 The deer hunting permit issued without fee shall be valid
25 on all farm lands which the person to whom it is issued owns,
26 leases or rents, except that in the case of a permit issued to
27 a bona fide equity shareholder, ~~or~~ bona fide equity member, or
28 bona fide equity partner, the permit shall be valid on all
29 lands owned by the corporation, ~~or~~ limited liability company, or
30 or partnership in the county.

31 The standards and specifications for use of guns and bow
32 and arrow for deer hunting shall be established by
33 administrative rule.

34 No person may have in his possession any firearm not

1 authorized by administrative rule for a specific hunting season
2 when taking deer.

3 Persons having a firearm deer hunting permit shall be
4 permitted to take deer only during the period from 1/2 hour
5 before sunrise to sunset, and only during those days for which
6 an open season is established for the taking of deer by use of
7 shotgun, handgun, or muzzle loading rifle.

8 Persons having an archery deer hunting permit shall be
9 permitted to take deer only during the period from 1/2 hour
10 before sunrise to 1/2 hour after sunset, and only during those
11 days for which an open season is established for the taking of
12 deer by use of bow and arrow.

13 It shall be unlawful for any person to take deer by use of
14 dogs, horses, automobiles, aircraft or other vehicles, or by
15 the use of salt or bait of any kind. An area is considered as
16 baited during the presence of and for 10 consecutive days
17 following the removal of bait.

18 It shall be unlawful to possess or transport any wild deer
19 which has been injured or killed in any manner upon a public
20 highway or public right-of-way of this State unless exempted by
21 administrative rule.

22 Persons hunting deer must have gun unloaded and no bow and
23 arrow device shall be carried with the arrow in the nocked
24 position during hours when deer hunting is unlawful.

25 It shall be unlawful for any person, having taken the legal
26 limit of deer by gun, to further participate with gun in any
27 deer hunting party.

28 It shall be unlawful for any person, having taken the legal
29 limit of deer by bow and arrow, to further participate with bow
30 and arrow in any deer hunting party.

31 The Department may prohibit upland game hunting during the
32 gun deer season by administrative rule.

33 It shall be legal for handicapped persons, as defined in
34 Section 2.33, to utilize a crossbow device, as defined in

1 Department rules, to take deer.

2 Any person who violates any of the provisions of this
3 Section, including administrative rules, shall be guilty of a
4 Class B misdemeanor.

5 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
6 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)".